IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11680 of 2004

Between:

1 P. Appa Rao S/o Pydi Raju, Mala, aged 31 years,
R/o S. NO. 125/6 Bha, Pendurthi V&M Visakhapatnam District
2 P. Kanaka Raju S/o Pydi Raju, Mala, aged 29 years,
R/o S. NO. 125/6 Bha, Pendurthi V&M Visakhapatnam District
3 P. Mohan Rao S/o Pydi Raju, Mala, aged 25 years,
R/o S. NO. 125/6 Bha, Pendurthi V&M Visakhapatnam District
4 P. Jayalaxmi W/o Krishna, Mala, aged 34 years,
R/o S. NO. 125/6 Bha, Pendurthi V&M Visakhapatnam District

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam
2 The Revenue Divisional Officer, Visakhapatnam
3 The Mandal Revenue Officer, Pendurthy, Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly a Writ of Mandamus declaring the action of the respondents as illegal and ultra virus to the provisions of Articles 14, 21 and 300-A of the Constitution of India directing not to dispossess the petitioners from the house sites situated in S.No.125/6 Bha, Pendurty Village & Mandal of Visakhapatnam District.

Counsel for the Petitioners :MR.V.S.R.ANJANEYALU, Advocate

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following Oral Order:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for the respondents.

The petitioners state that they were granted house site pattas in an extent of Ac. 0-05 cents each situated in Sy. No. 125/6-Bha of Pendurthy village of Visakhapatnam District, in accordance with the provisions of the Board Standing Orders vide proceedings dated 2-1-1993. On the said plots, the petitioners state that they had constructed thatched huts and residing therein. While so, it is the case of the petitioners that the respondents without issuing any notice and without following the due process of law, sought to dispossess the petitioners. They therefore, seek appropriate directions.

Upon hearing the learned counsel and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

If the pattas said to have been granted to the petitioners are not cancelled, and if the petitioners are still in possession, the respondents shall not dispossess or evict them from the land in question without following the due process of law.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: July 8, 2004.

Note:

Issue CC
Tomorrow.
(B/o)
KSR/YS

To
1 The District Collector, Visakhapatnam.
2 The Mandal Revenue officer, Pendurthy.
3. Two CCs to the Government Pleader for Revenue, High Court Buildings, High Court of A.P., Hyderabad.
4. Two CD copies.